

### **REMARKS**

The Office asserts that restriction is required under 35 USC §121 and §372 and in that the application contains inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In response thereto, applicant has elected claims in group IV; that is, claims 1, 6, 7, 9, and 10, and further has amended claims 6, 11, and 12 so as to depend from claim 9 and asserts that claims 6, 7, 11, and 12 are also part of group IV.

More particularly, claims 6 and 7, as well as claims 11 and 12 form part of group IV since claim 6 has been amended to depend from claim 9, claim 7 depends from claim 6 and claims 11 and 12 are both amended to depend from claim 9.

At section 4, the Office further asserts that claim 1 links the inventions as grouped in section 1; that is, links groups I-VII, but that the linked inventions are subject to the non-allowance of the linking claim in that claim 1 is not allowable in view of the teaching of at least US patent 5,967,040, Korthäuer, et al (hereinafter '040), and WO 01/85548, Korthäuer (hereinafter WO '548). Applicant respectfully disagrees with this position taken by the Office.

More particularly, independent claim 1 of the present invention relates to a label printer. The characterizing feature of claim 1 is that the claimed counterpressure surface forms part of the print head. This is particularly pointed out in the application as filed, including page 2, lines 19-20 wherein it states that an object of the invention is met in that the counterpressure surface forms part of the print head. Further, at page 2, lines 22-26 the advantageous result of this design is that the counterpressure surface now forms part of the print head and therefore there is no longer a relative movement, as known from the state of the art, between the counterpressure surface and the thermal slot of the print head. The cited US patent '040 and WO '548 do not disclose or suggest this inventive aspect of the present invention.

As seen in the '040 patent (for example, Figure 1), each of the feed devices 12a, 12b, and 12c share a common print head 8. This print head comprises a thermal slat (or a thermal strip) 7 by means of which the temperature sensitive label on the carrier strip 5a, 5b, and 5c is printed. In this device, the printing process takes place in that the label is fed to the printer guided between the thermal slat 7 and the counterpressure surface (called the "support surface" in the wiping heads 6a, 6b, and 6c). The printing process takes place at the moment when the desired counterpressure surface (support surface) is in the printing position.

This design as disclosed in '040 has the drawback that the counterpressure surface exerts a movement relative to the print head. This leads to the effect that the association between the counterpressure surface and the thermal slat becomes inaccurate, resulting in inferior quality of the overall printing process.

Likewise, in the prior art WO '548 document, a label printing device comprises at least two separate feed devices 7a, 7b, and 7c. Each of the feed devices 7a, 7b, and 7c comprises a peeling off device 6a, 6b, and 6c for peeling off the labels from the liner strip. As can be seen from the figures in WO '548, the transfer of the peeled off labels is provided by a transport device 5, 8, and 9 which transports that labels, removed at the position of the respective peeling off device to a printer 1. The transport device is constructed as an endless belt as seen in Figure 1, at the outer surface of which the labels are transferred successively (that is, one after the other) to the printer 1. The printing process takes place at the time when the respective label has arrived at the downside portion of printing device 1. The upside of the transport device thus serves as a support surface for the label at the time of printing.

This particular design, like that in the '040 patent, shows a relative movement between the printing head 1 and the support surface which serves as a counterpressure surface for the label. Again, because of the relative movement between the print head and the counterpressure surface, the printing quality is subject to inaccuracy. Moreover,

the device shown in WO '548 has a complex mechanical design due to the requirements of transport device 5, 8, and 9.

As noted above, the central teaching of the present invention is to avoid the drawbacks discussed above in the prior art and discloses a feature in which the counterpressure surface forms part of the print head itself.

Due to the effect that the counterpressure surface is integrated into the printer of the present invention, no relative movement between the counterpressure surface and the print head can occur. Instead, as a result of the rigid fixation between the counterpressure surface and the thermal slat of the printer, the label is stabilized at the printing surface of the thermal slat. This design, as set forth in claim 1, results in a significantly simplified design, because it is now possible to do away with components that allow relative movement, such as taught by the prior art.

In view of the foregoing, it is respectfully submitted that the prior art cited by the Office does not anticipate or suggest the present invention as set forth in claim 1 since the prior art solutions each disclose a label printer that has relative movement between the counterpressure surface and the printing device.

It is therefore respectfully submitted that claim 1 is neither anticipated nor suggested by the prior art. Accordingly, all of the claims as set forth in groups I-VII should be considered in the examination of the present application thus resulting in the traversal of the Restriction Requirement.

In contrast to the cited prior art label printers, the present invention sets forth a new concept comprising two sub-units; namely, the feed unit comprising a take-up reel, a take-off reel, and a peeling-off device 1, 2, 3, 4 forming one sub-unit of the system, and a print head 5, a thermal slat 6, and a counter pressure surface 7 forming a second sub-unit. Both of these "sub-units" cooperate at the time of printing without the problems discussed above in the prior art.

Furthermore, as explained above, there is a central teaching of the present invention; namely, that the counterpressure surface forms part of the print head as set forth in claim 1. Thus, the counterpressure surface and the print head form one unique and single sub-unit. This sub-unit is associated with another sub-unit as noted above; namely, the feed device comprising elements 1, 2, 3, and 4.

The different embodiments as shown in Figures 2, 3, and 4 of the present application illustrate different ways of combining the sub-units. Thus, Figure 2 shows that different feed devices are arranged along a circular path and that each of the feed devices is associated with its own print head, each of which has its own counterpressure surface. As further seen in Figure 2, one common application device 8 is allocated to the variety of feed device/print head units 1-7.

Figure 3 shows the same arrangement as that in Figure 2, differing only in that the units a-f are not arranged in a circular path, but along a longitudinal path.

Figure 4 shows that a first sub-unit comprises the feed devices a, b, c, each of which comprises elements 1, 2, 3, and 4 which are allocated to a single second sub-unit comprising the printer head 5, the thermal slat 6, and the counterpressure surface 7. By means of an adjustment device 9, the single print sub-units 5, 6, and 7 are able to be moved to the desired feed device, a, b, or c.

It is therefore respectfully submitted that there is not in fact a plurality of groups of inventions as set forth in the Restriction Requirement (i.e., groups I-VII).

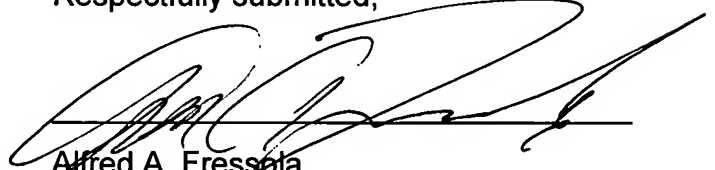
In contrast, there is a general inventive concept of a system of sub-units as discussed above. The sub-units are allocated to each other in different ways; namely, by a geometric placement as a circle (Figure 2), as a longitudinal path (Figure 3), or by means of a separate adjusting device 9 (Figure 4).

In view of the foregoing, it is respectfully submitted that the inventions listed in groups I-VII do relate to a single general inventive concept under PCT Rule 13.1.

Reconsideration of the restriction of the claims as set forth in the Restriction Requirement is therefore earnestly requested along with examination of all of the claims of the present application.

Respectfully submitted,

Dated: September 24, 2008

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

Alfred A. Fressola  
Attorney for Applicant  
Reg. No. 27,550

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955